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REMARKS

The Applicant thanks the Examiner for careful consideration of the application.

Claims 1 – 11, 14, and 15 were pending in the application. Claims 1, 3, and 5 – 9 were rejected by the Examiner as being unpatentable over Shin (US 6,351,320; "Shin") and Tsukada (US 6,414,756; "Tsukada"). Claim 2 was rejected by the Examiner as being unpatentable over Shin, Tsukada, and Kondo (US 6,241,339; "Kondo"). Claims 4, 10 – 11, and 14 – 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shin and Tsukada in view of Holm (US 6,563,945).

Claims 1 – 3, 5 – 9, and 12 – 13 are cancelled. Claim 4 has been rewritten in independent form incorporating the limitations of Claim 1, from which it depended. Claims 4, 10 – 11, and 14 – 15 remain in the application, and the rejections 35 U.S.C. §103(a) as being unpatentable over Shin and Tsukada in view of Holm are respectfully traversed.

REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 4, 10 – 11, and 14 – 15 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Shin and Tsukada in view of Holm. The rejections under 35 U.S.C. §103(a) are respectfully traversed. To establish a prima facie case of obviousness, the prior art must suggest the desirability of the claimed invention; a reasonable expectation of success is required; and all claim limitations must be taught or suggested by the prior art (MPEP §2143). These requirements are not met here.

The remaining claims in the application all include scanning the receiver to determine the color characteristics of the receiver. As shown and described in

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the application (see, e.g., Fig. 1), the invention of claims 4, 10 – 11, and 14 – 15 determines the color characteristics of the “receiver”, such as a sheet of paper, by physically detecting these characteristics, such as with a scanner. As described in the application beginning at page 2, line 20:

“Beginning at the left of the figure, a document scanner 12 of conventional design scans documents and generates therefrom digital document data representing the scanned document. Each document pixel is represented by a number of bits such as twenty-four that encode the color of the pixel. This data is saved in a buffer 14 where it is processed by a software routine executed by image processor 16, as will be described. Receiver data comes, in turn, from a receiver such as paper that is initially stored in a feeder 17 such as a paper hopper. When a sheet of paper is required for copying a document, the system 10 pulls the sheet from the feeder 17 and through a receiver scanner 18 of conventional design. The scanner 18, as the scanner 12, scans its contents and generates therefrom digital data representative of the contents. In the case of scanner 18 (or other sensor appropriate to the information being collected), the scanning reveals the characteristics of the receiver such as its color, finish, texture, etc., that might affect the colors of a document printed thereon. Each receiver pixel is represented by a number of bits such as twenty-four that encode the characteristics of the pixel, such as color. The receiver data is saved in a buffer 20 where it is processed by a software routine executed by the image processor 16, as will be described.”

In contrast, none of the references relied upon by the Examiner determine the color characteristics of the receiver by physically detecting the characteristics. Shin determines the “type of media” by an operator input in the print driver (see Fig. 6); Tsukada teaches determining which pigments are required to render the characteristics of the original image source to a given standard, but does not teach that the chromaticity of the “reference white of the aimed color image recorder” is obtained by physically scanning each receiver, such as sheets of paper. Holm discusses “obtaining visual density capabilities of an output device”, but does not teach nor suggest physically detecting the characteristics of each “receiver”.

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The references as combined by the Examiner thus do not alone, or in combination, teach or suggest an aspect of the present invention. The Examiner argues that "the suggestion for modifying the system can be reasoned by one of ordinary skill in the art as set forth above by Holm because the modified system would increase the quality of the printing image when the characteristic of the scanned receiver is analyzed." The Applicant respectfully disagrees.

The Applicant points out that "all claim limitations must be taught or suggested" (MPEP 2143.03); and "the prior art must suggest the desirability of the claimed invention" and "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)" (MPEP 2143.01).

Here, the references relied upon by the Examiner do not teach or suggest scanning the receiver to determine the receiver characteristics, and to read this aspect of the invention into the references change both the scope and principle of operation of the references. The Applicant therefore respectfully requests that the rejections of claims 4, 10 – 11, and 14 – 15 under 35 U.S.C. §103(a) be withdrawn.


Favorable action by the Examiner is solicited.

Respectfully submitted,

Hewlett-Packard Company
18110 SE 34th St.
Vancouver, WA 98683
360-212-0769

Thomas R. Knapp

By:


Larry D. Baker
Attorney/Agent for Applicant(s)
Reg. No. 39,593